IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 4509 of 1997

Between:

K.Seshagiri Rao, S/o. Rama Swamy,
Dondaparthy, Visakhapatnam.

..... PETITIONER

AND

1. The Authority under section 20 of Minimum Wages Act 1948/

The Assistant Commissioner of Labour,
Circle-II , Visakhapatnam.
2. The Assistant Labour Officer,
IV-Circle, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue Writ of Certiorari calling for records pertaining to case No.M.W.41/95 on the file of Authority under Section 20 of Minimum Wages Act, 1948, Visakhapatnam Region/Assistant Commissioner of Labour, Circle II, Visakhapatnam, and consequential notice dt.17-2-1997, and quash the same, as being colourable excise of power and against the sec.20 of Minimum Wages act and consequently direct the Respondent 1 and 2 not to collect Rs.26,071-00.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & NEERAJA REDDY

Counsel for the Respondents: GP FOR LABOUR

The Court made the following:

ORDER:

Heard the learned counsel on record.

The Writ Petition is filed praying to issue a Writ of Certiorari calling for records pertaining to case No. M.W.41 of 1995 on the file of Authority under Section 20 of Minimum Wages Act, 1948, Visakapatnam Region/Assistant Commissioner of Labour, Circle II, Visakpahatnam, and consequential notice dated 17.02.1997 and quash the same, as being colourable exercise of power and against Section 20 of Minimum Wages Act and consequently direct the respondents 1 and 2 not to collect Rs.26,071/- and pass such suitable orders.

Sri B. Sudhakar Reddy, learned counsel had pointed out that though all the amounts due in accordance with the case No. M.W.41 of 1995 of Minimum Wages Act had been paid the first respondent erroneously had passed the order having recorded the said statements and even the counsel representing for the Writ Petitioner pointed out the relevant portions of the impugned order and would comment that the factual aspects had not been appreciated by the first respondent in proper perspective. The learned counsel would also submit that there is time limit specified under the provisions of the aforesaid Act and the same also had not been considered. It is also brought to the notice of this Court that in W.P.M.P. No. 5425 of 1997, interim suspension was granted subject to payment of Rs.13,000/- within three weeks and the same was complied with.

In view of the facts and circumstances taking into consideration, the nature of reasons which had been recorded by the first respondent, this Court is of the considered opinion that the impugned order cannot be sustained and the matter is remitted to the first respondent and that the first respondent to afford opportunity to the parties concerned and decide the matter afresh and pass an appropriate order in accordance with law.

The Writ Petition is disposed of accordingly. No order as to costs.

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22-12-2004

kvrm

To

1. The Authority under section 20 of Minimum Wages Act 1948/

The Assistant Commissioner of Labour,
Circle-II , Visakhapatnam.

2. The Assistant Labour Officer,
IV-Circle, Visakhapatnam.

3. 2 CCs to GP for Labour, High Court Buildings, Hyderabad (OUT)

4. 2 CD copies.